

120. MANUFACTURED HOME PARK CLOSINGS

120.01. Purpose. In view of the unique nature and problems presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by:

1. requiring compensation to displaced residents of such parks;
2. providing for proper disposal of potentially obsolete and dilapidated manufactured homes; and
3. establishing the requirements for the closure of manufactured home parks in the City of Rochester pursuant to Section 327C.095 of the Minnesota Statutes.

120.02. Definitions. The following words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

Subdivision 1. "Closure Statement" means a statement prepared by the park owner clearly stating that the park is closing, addressing the availability, location and potential cost of adequate replacement housing within a 25-mile radius of the park that is closing, and the probable relocation costs of the manufactured homes located in the park.

Subd. 2. "Department" means the Rochester Olmsted Planning Department.

Subd. 3. "Displaced Resident" means a resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the City's Planning Commission.

Subd. 4. "Lot" means an area within a manufactured home park designed or used for the accommodation of a manufactured home.

Subd. 5. "Manufactured Home" means a structure, not fixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical system contained in it.

Subd. 6. "Manufactured Home Park" means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. This definition does not include facilities which are open only during three or fewer seasons of the year.

Subd. 7. "Park Owner" means the owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of a park.

Subd. 8. "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

120.03. Notice of Closing. If a manufactured home park is to be closed or converted in whole or in part to another use, or terminated as a use of the property, the park owner shall, at least nine months prior to the closure or conversion to another use or termination of use, provide a copy of a closure statement to a resident of each manufactured home located in the manufactured home park and to the Department. The Department shall charge a fee, in an amount determined by Council resolution, for the cost incurred in processing the closure statements.

120.04. Notice of Public Hearing. The Department shall submit the closure statement to the City Council at a public hearing. At least ten days prior to the public hearing, the Department shall mail a notice to the owner of each manufactured home in the park and to any resident paying rent to the park owner. The notice shall state the hearing's time, place and purpose. The park owner shall provide the Department with a list of the names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the Department.

120.05. Public Hearing. A public hearing shall be held before the City Council for the purpose of reviewing the closure statement and evaluating the impact, if any, the park closing may have on the displaced residents and the park owner. Before any change of use or cessation of operation, and as a condition of such change in use or cessation of operation, the City Council may require the park owner to compensate the displaced residents for their reasonable relocation costs or, if a manufactured home cannot be relocated, make a payment in lieu thereof.

120.06. Payment of Relocation Costs. Subdivision 1. Following the submission of the closure statement and the public hearing, the park owner shall pay to each displaced resident the amount determined by the Council pursuant to Section 120.05 to be reasonable relocation costs.

Subd. 2. Reasonable relocation costs may include:

A. The actual expense incurred in moving the displaced resident's manufactured home and personal property, including the reasonable cost of disassembling, moving and reassembling any attached appurtenances, such as porches, decks, skirting and awnings which were not acquired after notice of closure or conversion of the park, and utility "hook-up" charges.

B. The cost of insurance for the replacement value of the property being moved.

C. The total cost, not to exceed 15% of the County Assessor's estimated market value of the structure, of minor repairs or modifications that are required in order to move the manufactured home.

D. Required deposits at the relocation site in excess of any amount returned to the manufactured home owner, up to a maximum of \$250.00.

120.07. Payment In Lieu Of Relocation Cost. Subdivision 1. If a resident cannot relocate the manufactured home with a 25-mile radius of the park that is being closed, the Council may require the owner to make a payment to the resident in lieu of relocation costs in order to mitigate the adverse financial impact of the park closing. The payment in lieu shall be an amount equal to the estimated market value of the manufactured home as determined by the County Assessor or the average relocation cost awarded to other park residents, whichever is greater.

Subd. 2. If it is not possible to fairly compute an average relocation cost, the payment shall be based upon an estimate prepared by a qualified manufactured home mover.

120.08. Verification of Cost and Distribution of Payments. The displaced resident must submit a contract or other verified cost estimate for relocating the manufactured home to the park owner for approval as a condition to the park owner's liability to pay relocation expenses. If the park owner refuses to pay the contract or other verified cost estimate, the park owner shall arrange for relocating the manufactured home and pay the relocation costs identified in Section 120.06. Relocation payments must be made no later than the date upon which the manufactured home is removed from the park. In the case of manufactured homes that cannot be removed, the in lieu payment shall be made at the time of, and shall be contingent upon, the tendering of the manufactured home's title to the park owner. In the event that the owner is unable to locate the title to the manufactured home, the owner shall sign an affidavit setting forth: (1) the inability to locate the title; (2) the home owner's desire to transfer ownership of the home to the park owner for disposal purposes; and (3) the home owner's agreement to transfer ownership and releasing the park owner from any liability for the home's eventual disposal.

120.09. Disposition of Manufactured Homes Not Capable of Being Relocated. As a condition of the change in use or cessation of operation of the manufactured home park, the City Council may require that any manufactured home not capable of being relocated due to non-compliance with Rochester's Building Code shall be demolished and disposed in accordance with any and all applicable laws and regulations. The park owner is responsible for the costs of demolition and disposal.

120.10. Penalty. Subdivision 1. A violation of any provision of this chapter shall be a misdemeanor. In addition, the City Attorney may enforce any provision of this chapter by injunction or other appropriate civil remedy.

Subd. 2. The City shall not issue a building permit or zoning certificate in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable relocation costs or the in lieu payment as required by this chapter.

(3493, 6/17/02; 3496, 7/1/02)

## CHAPTER 125

[Repealed by Ordinance No. 2546, 5/4/87; See Chapter 125A]